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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,347

06/28/2006

Francois Girard

P29468

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7055 7590 10/18/2007
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EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

NOTIFICATION DATE

DELIVERY MODE

10/18/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/570,347

Applicant(s)

GIRARD ET AL.

Examiner

Cynthia F. Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/1/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Non-Final Rejection (10/9/2007)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Haughlin (US Patent No.5, 664,797).

Regarding claim 8, Haughlin discloses a cross-country ski comprising a central zone adapted to receive a device for binding a boot to the ski (fig 1, element 10) the central zone of the ski comprising a binding zone having a location for receiving the binding device and an upper support surface of the ski (fig 1, element 10), the upper support surface of the ski being arranged on a least one of two lateral sides of the location to receive the binding device, the upper support surface being capable of coming in direct contact with the boot when a skier using the cross-country ski system exerts a pressure force (fig 1, element 10) the location for receiving the binding device comprises an upwardly facing recess of the upper surface of the ski (fig 2, element 10 and 66).

Regarding claim 9, Haughlin discloses a in the central zone of the ski, at least one lateral shoulder arranged on one of the two lateral sides of the location for receiving the

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binding device such that the boot can be supported directly on the shoulder (fig 5, element 12).

Regarding claim 10, Haughlin discloses a wherein: the ski comprises two lateral upper surfaces arranged on respective lateral sides of the location for receiving the binding device (fig 1, element 64).

Regarding claim 11, Haughlin discloses wherein the shoulder comprises a support surface for the boot arranged above the upper surface of the location for receiving the binding device (fig 1, element 64).

Regarding claim 12, Haughlin discloses a the upper support surface of the ski is longitudinally arranged in an area corresponding to a metatarsophalangeal bending zone of a user's foot (see fig 1).

Regarding claim 13, Haughlin discloses a binding device adapted to be fixed on the ski in the location for receiving the binding device (fig 12).

Regarding claim 14, Haughlin discloses a wherein: the binding device has, at least in the area of the support surface, a lesser width than a width of the ski (fig 12).

Regarding claim 15, Haughlin discloses a the binding device is adapted to be fitted

within the recess of the upper surface of the ski (fig 5), the binding device has a rib adapted to be positioned within a downwardly facing longitudinal recess in a sole of the boot (fig 5, element 67) the binding device including no base plate to be mounted upon the ski, so that a lower external surface of the boot is adapted to be directly supported on the upper support surface of the ski (fig 5, element 67) also (fig 15).

Regarding claim 16, Haughlin discloses a the ski has, at least in part of the central zone, an upper surface, the transverse width of said upper surface being greater than a width of the lower gliding surface of the ski (fig 15, element 32).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CFC
CFC 10/9/04



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